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*Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

DAVIS GONZALES individually and on  
behalf of THE TE-MOAK TRIBE OF  
WESTERN SHOSHONE INDIANS OF  
NEVADA as Tribal Council Chairman; THE  
HOUSING AUTHORITY OF THE TE-  
MOAK TRIBE OF WESTERN  
SHOSHONE INDIANS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
THE INTERIOR; BRYAN NEWLAND, as  
Assistant Secretary – Indian Affairs;  
STEVEN MCDADE,

Defendants.

Case No. 2:24-cv-01629-GMN-DJA

**STIPULATION AND ~~PROPOSED~~**  
**ORDER MODIFYING JOINT**  
**SCHEDULING ORDER**

**(Seeks Modification of ECF No. 84)**  
**(Second Request)**

1 For the reasons provided herein, Plaintiffs Davis Gonzales individually and on behalf of  
2 the TeMoak Tribe of Western Shoshone Indians of Nevada as Tribal Council Chairman; the  
3 TeMoak Tribe of Western Shoshone Indians; and The Housing Authority of the Te-Moak Tribe  
4 of Western Shoshone Indians (collectively, “Plaintiffs”), by and through their undersigned  
5 counsel of record, Federal Defendants, United States Department of the Interior and Bureau of  
6 Indian Affairs (collectively, “Federal Defendants”), by and through their undersigned counsel of  
7 record, and Defendant Steven McDade (“McDade”), appearing pro per, (all together herein, the  
8 “Parties”) have agreed, and hereby stipulate, to modify the Court’s amended Scheduling Order  
9 (ECF No. 84) as set forth herein.

10 **I. GOOD CAUSE SUPPORTS THE MODIFICATION**

11 This is a case seeking judicial review under the Administrative Procedure Act (“APA”)  
12 as well as declaratory relief. The original Plaintiff Joseph Holley, individually and purportedly  
13 on behalf of the Te Moak Tribe of Western Shoshone Indians (“the Tribe”), filed the original  
14 Complaint on September 4, 2024. (ECF No. 1.) Plaintiffs filed an Amended Complaint on  
15 January 6, 2025. (ECF No. 59.) On April 7, 2025, the Federal Defendants answered the  
16 Amended Complaint. (ECF No. 76). McDade filed an Answer on April 8, 2025. (ECF No. 78.)

17 On May 22, 2025, the Court entered an Order approving the Parties’ Joint Proposed  
18 Scheduling Order. (ECF No. 81.) Pursuant to the Stipulated Discovery Plan and Scheduling  
19 Order, the Parties agreed that summary judgment merits briefing should follow an initial period  
20 in which Federal Defendants provide their administrative record and allow Plaintiffs a period in  
21 which to file motions regarding supplementation of the record, whether the Court should  
22 consider extra-record evidence, or whether the Court should allow discovery.

23 On June 2, 2025, the Federal Defendants provided Notice of Service of the  
24 Administrative Record. (ECF No. 82.) Since that time, Plaintiffs have reviewed the  
25 administrative record. On July 10, 2025, the Court granted Plaintiffs’ Partially Unopposed  
26 Motion seeking a two-week extension of the deadline to file a motion challenging the  
27 administrative record. (ECF No. 84.)  
28

1 The administrative record is very large, consisting of over three thousand pages of  
2 documents. Plaintiffs and the Federal Defendants have begun the process of meeting and  
3 conferring regarding the scope of the administrative record. Plaintiffs already provided an initial  
4 request, and the Federal Defendants already provided an initial response to Plaintiffs' request.  
5 However, there remains insufficient time before the current deadline to file a motion challenging  
6 the administrative record for the Parties to complete their meet and confer on the scope of the  
7 record. Accordingly, the Parties seek modification of the briefing schedule as set forth herein.

## 8 **II. REVISED SCHEDULE**

9 Based on the foregoing, the Parties respectfully request that the schedule be revised as  
10 follows:

### 11 **A. Time for Serving Certified Record.**

12 Completed and closed.

### 13 **B. Schedule for Briefing on the Scope of the Record.**

14 In the event Plaintiffs file a motion challenging the scope of the administrative record,  
15 seeking for the Court to consider extra-record evidence, or seeking discovery:

16 (1) Such motion shall be filed by **August 28, 2025**. The filing of any such motion shall  
17 have the effect of vacating the summary judgment briefing schedule set forth below and the  
18 parties will propose a new schedule within fourteen days of the Court's ruling on the  
19 record/discovery motion.

20 (2) Federal Defendants shall file a response to any record/discovery motion by  
21 **September 18, 2025**.

22 (3) Any reply in support of a record/discovery motion shall be filed by **October 2, 2025**.

### 23 **C. Schedule for Merits Briefing Absent Motion(s) Challenging the Record.**

24 In the event Plaintiffs do not file a motion challenging the scope of the administrative  
25 record, seeking for the Court to consider extra-record evidence or seeking discovery:

26 (1) The parties will file a Joint Proposed Scheduling Order for Merits Briefing no later  
27 than **September 11, 2025**.

Respectfully submitted,

DATED this 28th day of July, 2025.

SEMENZA RICKARD LAW

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&

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DATED this 28th day of July, 2025.

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Nevada*

DATED this 28th day of July, 2025.

ADAM R.F. GUSTAFSON

Acting Assistant Attorney General

Michelle Ramus, Esq.

Michelle Ramus

&

Amber Dutton-Bynum

United States Department of Justice

Environment & Natural Resources Division

Natural Resources Section

P.O. Box 7611

Washington, D.C. 200044-7611

DATED this 28th day of July, 2025.

Steven Joseph McDade

Steven Joseph McDade

TeMoak Prosecutor

PO Box 2568

Elko, NV 89801

*Defendant*

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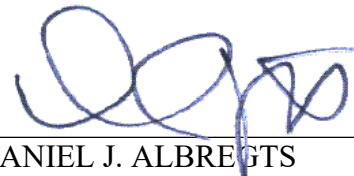
Assistant United States Attorney

501 Las Vegas Blvd. So., Suite 1100

Las Vegas, Nevada 89101

*Counsel for Defendants*

**IT IS SO ORDERED**



DANIEL J. ALBREGTS

UNITED STATES MAGISTRATE JUDGE

DATED: 7/29/2025